

NATHAN et al.
Appl. No. 09/688,698
June 7, 2005

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet(s)

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested.

With respect to the drawing objections, Applicant has filed a replacement sheet herewith. Thus, withdrawal of the objection to the drawings is respectfully requested.

Independent claims 12 and 19 remain rejected under 35 USC 103 based on Martin and Johnny Rockets Name That Tune. Applicant has amended the claims herein a manner that is believed to more clearly and patentably distinguish the cited references. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

In addition to the differences pointed out by Applicant in the previous response, another significant difference between the invention and the prior art relates to the location of the databases from which the game modules of the terminal or the server can select the music extracts and specific information needed for the game. The invention enables the updating of the customized library of one terminal to be triggered by the game (as explained page 5, lines 9 to 25). This feature is new and inventive. The system comprises a game module which controls the system for the selection of musical recordings either directly in the storage of the terminal on which a user is participating in the game or in the storage means of the server or of another terminal, through communications between the terminals and the server. Applicant has amended the independent claims to incorporate such a feature. Applicant believes that the prior art of

record fails to teach or suggest the specific combination of claimed elements set forth these amended independent claims.

In accordance with the amended claims, if needed for the game, the communications with the server for updating the customized library of the terminal can be triggered by the game in order to obtain a customized library including music recordings from other terminals participating in the game. As a result, the game can be operated in a manner that is fair for all the players because the music selected for the game can be selected at random from any of the connected terminals.

For convenience of the Examiner, Applicant notes that amendment "operable as" is fully supported by page 4, lines 1 to 9 of the specification. The other amendments are fully supported by the specification of the present invention and particularly by, for example, page 5 in which it is explained that:

- the game module can be memorized on each terminal or on the server
- the game module triggers playing at least one extract of a recording by

selecting it at random from the recordings in the databases of the server or of one of the terminals connected to the server.

These amendments thus clearly identify a specific feature of the present entertainment system which is not found in or suggested by any of the cited references.

Martin's jukebox system comprises a game which is to be played when no musical recording is being played on the jukebox, Martin's jukebox system is able to update the library of each jukebox with musical recordings stored on the server but not under the

control of a game module or for the needs of a game. This is so because Martin's jukebox system does not comprise a game module operable to control, for the needs of the game, the updating of the customized libraries of musical recordings stored in a jukebox system with musical recordings stored on the server or on another jukebox system connected to the server. The (dart) game of Martin's jukebox can not control the selection of a musical recording and it is thus completely impossible that this (dart) game triggers the updating of the library of Martin's jukebox in order to obtain the musical recording selected to be played for the game.

"Johnny Rockets Name That Tune" or "Tom & Liz's Name That Tune" games do not comprise a game module operable to control, for the needs of the game, the updating of the customized libraries of musical recordings stored in a jukebox system with musical recordings stored on the server or on another jukebox system connected to the server. These games only allow the customized libraries of the computers to be updated with a musical recording stored on the server, but not with a musical recordings stored in one of the computers participating in the game. Having "Johnny Rockets Name That Tune" or "Tom & Liz's Name That Tune" games controlling such updates would require the implementation of a peer-to-peer application enabling data exchanges between the connected computers and would constitute a completely illegal diffusion of musical recordings between the connected computers since they do not teach any control mechanism for copyright fees. Thus, for at least this reason, there is no suggestion or motivation in these references to modify Martin to achieve the claimed invention.

The new claims are fully supported by the specification. For example, the following expressions support these claims: page 4, line 23: "collection of information in a database 13, 23 stored on the dedicated server 1 and possibly on a specific terminal 2"; page 4, line 29: "The database 13, 23 comprises at least information relative to music extracts"; page 4, line 35 "Furthermore, the database 13, 23 includes all or some of the data necessary for audio reproduction of musical extracts"; page 5, line 21: "Firstly, the game module 14, 24, 34 comprises selection means 141, 241, 341 for example comprising a program module or sub-module to select a recording, for example a musical recording, at random from the recordings in the database 13, 23"; page 9, line 12: "When the database 13 is not stored on the terminal 3, the game module 34 includes a communication sub-module 344 that builds up messages to interrogate the database 13 on the dedicated server 1 in order to receive information necessary for generation of the question screen, namely determined information about an extract of a recording selected at random to build the question and the corresponding answer and the information selected at random, for example in the same type of recording or in recordings made at the same period, to form the wrong answers. Thus, messages sent by terminals include selection commands to be used by a module for management of the database 13 on the server 1 "; page 21 line 4: "According to another feature, the recording on which determined information is collected is selected at random in a database stored either on the terminal or on a remote server (1) which the terminal (3) is connected to".

The present invention solves the problem of allowing users to play a game related to the musical recordings stored on a server or on at least one jukebox connected to the server. This purpose is reached by the system as claimed, using a communication network through which the jukeboxes and the server can exchange information related to musical recordings played on all the jukeboxes participating in the game session. The system allows uploads and downloads of music in full respect of author's copyrights and allows users to play against each other from remote locations, by competing on questions related to the musical recordings stored in the jukeboxes in these various locations.

The Examiner asserts that Johnny Rockets Name That Tune and Martin are analogous art because each are computerized game systems that are associated with music played on jukeboxes. Applicant respectfully disagree with this statement. Johnny Rockets or Tom & Liz's Name That Tune are game systems that are associated with music played on a computer, which cannot be considered as a jukebox. Martin's invention is a jukebox on which games can be played but only when music is not being played.

The Examiner asserts that it would have been obvious to one having ordinary skill in the art, at the time of the present invention, to combine Martin's invention with a Name That Tune game. We respectfully disagree because, at the time of the present application, there was not teaching or motivation to create a game system enabling the competition of remote users on questions related to the musical recordings from a library stored on any of the jukeboxes displaying the game. If one would have raised this

problem at that time, then it would have needed to completely transform the jukebox system for the implementation of game modules able to control the system. Contrary to the game suggested in Martin et al., which only needs display and command means, the present game system needs to control the update and the selection of musical recordings for the game either from the server or from the jukebox of the user. Rather than being under the control of the jukebox processing system, as in Martin's invention, the game modules in the present invention are part of the processing means and they control the operations made by the different elements of the entertainment system (as detailed above in reference to the specification of the present invention). The resulting system is thus not a jukebox with an additional game easily incorporated and controlled by the jukebox, but a game entertainment jukebox system in which almost all tasks of the jukebox can be controlled by the game.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

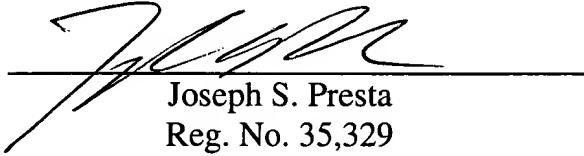
NATHAN et al.
Appl. No. 09/688,698
June 7, 2005

Should the Examiner have any questions regarding this application, or deem that any formal matters need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Joseph S. Presta
Reg. No. 35,329

JSP:mg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100